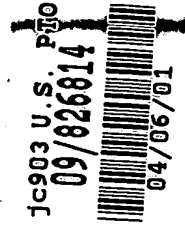199457US25
PIP-75-WILL

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

ERIC N. WILLIAMS, ET AL   : GROUP:

SERIAL NO.: NEW APPLICATION   : EXAMINER:

FILED: HEREWITH

FOR: METHOD AND SYSTEM FOR
       PROVIDING PROMOTIONS TO
       A CUSTOMER BASED ON THE
       STATUS OF PREVIOUS
       PROMOTIONS

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02(VIII)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I.   Basis For the Petition

Pursuant to MPEP § 708.02(VIII) (7th ed.1998, Rev. 1, Feb. 2000), applicants hereby

petition for a special status for this application.

II.   Requirements for Granting Special Status

MPEP § 708.02(VIII) provides five requirements for a grant of special status. The

following subsections show that each of these five requirements is met.

    A.   Submit Petition and Fee: § 708.02(VIII)(A)

This petition is accompanied by the fee set forth in 37 CFR § 1.17(i).

    B.   Agree to an Election Without Traverse: § 708.02(VIII)(B)

Applicants submit that all claims are directed to a single, patentable invention.

However, should the Office determine that all the claims presented are not directed to a single

invention, applicants agree to elect the largest group of claims that includes claim 1.

C. State that a Pre-examination Search Was Made: § 708.02(VIII)(C)

A preexamination search was made and included a search of the following classes and subclasses: (1) class 705, subclasses 10, 14, 16, 26, 27, 35, and 37; and (2) class 235, subclasses 375, 381, and 383. Examiner Thomas Block of Art Unit 2771 was consulted regarding the field of search.

D. Submit a Copy of the Most Relevant References: § 708.02(VIII)(D)

One copy each of the references deemed most closely related to the subject matter encompassed by the claims are submitted with the information disclosure statement filed herewith.

E. Submit a Detailed Discussion of the References, Pointing Out How the Claimed Subject Matter is Patentable Over the References: § 708.02(VIII)(E)

Each of the independent claims includes features not taught or suggested by the references deemed most relevant to the claims.

Claim 1 is directed to a method that includes the steps of delivering an initial promotion to a customer and determining a status of the initial promotion delivered. A related promotion is then selected based on the status of the initial promotion determined and the related promotion is delivered to the customer. Claim 26 is directed to a method including the steps of delivering a plurality of promotions to a customer through a plurality of delivery mediums and determining a status of each promotion delivered. An effective medium is then determined for the customer based on the status of each promotion delivered, and promotions are delivered to the customer primarily through the effective medium determined. Claim 43 is directed to a method including the steps of delivering an initial promotion to a customer and determining a status of the initial promotion delivered by

monitoring customer transactions at a point of sale (POS). A related promotion is then selected based on the status of the initial promotion determined, and the related promotion is delivered to the customer. Claims 44 and 88 define systems for performing a method substantially the same as defined by Claim 1, Claims 69 and 104 define systems for performing a method substantially the same as defined by Claim 26, and Claims 86 and 118 define systems for performing a method substantially the same as defined by Claim 43. In addition, Claim 87 defines a computer readable medium containing program instructions which when executed on a computer system cause the computer system to perform the steps in the method recited in Claims 1, 26, and 43.

U.S. Patent No. 4,750,119 to Cohen et al. describes a purchasing system with a rebate feature that is utilize by subscriber-purchasers, vendors providing goods and services, a future benefit guarantor such as an insurance company selling annuity contracts, and in some cases an escrow agent. However, U.S. No. 4,750,119 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 4,750,119 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.4,750,119 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 4,567,359 to Lockwood describes a system for automatically dispensing information, goods and services to a customer on a self service basis including a

central data processing center in which information on services offered by various institutions in a particular industry is stored. However, U.S. Patent No. 4,567,359 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 4,567,359 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 4,567,359 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,025,372 to Burton et al. describes a computer data processing, programming and printing method for an improved incentive award program which allocates monetary amounts available for expenditure through credit instruments issued to program participants when the participants perform to a designated level of achievement. However, U.S. Patent No. 5,025,372 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,025,372 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,025,372 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by

monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,173,851 to Off et al. describes a system for creating discount coupons in response to the purchases of products. The system includes the printing of a negative coupon in response to some purchasing activity of a consumer. However, U.S. Patent No. 5,173,851 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,173,851 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,173,851 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5, 237,157 to Kapan describes a system for user-interactive multi-media based point of preview. In the system, subscriber selection and profile data are collected and stored, and this data is transmitted to a central database for collection and processing by a central processing unit. However, U.S. Patent No. 5, 237,157 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5, 237,157 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer

based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5, 237,157 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,256,863 to Ferguson et al. describes a system for automating data acquisition and processing at a check stand point of sale in a retail outlet. A system controller generates output information to a POS terminal including coupon verification data, coupon amount data, and check verification data as well as bank card verification data. However, U.S. Patent No. 5,256,863 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,256,863 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,256,863 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,576,951 to Lockwood describes a system for composing individualized sales presentations created from various textual and graphical information data sources to match customer profiles. The system provides the means for synergistically creating and displaying customized presentations in a convenient manner for both the customer and sales person to achieve a more accurate, efficient and comprehensive marketing

presentation. However, U.S. Patent No.5,576,951 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,576,951 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,576,951 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,687,322 to Deaton et al. describes a system for customer promotion wherein a terminal enters a customer's identification code along with customer transaction data at a point of sale. Circuitry is provided for generating a signal representative of a customer shopping history, wherein incentive coupons may be issued to customers in dependence upon the signal. However, U.S. No. 5,687,322 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,687,322 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,687,322 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,761,648 to Golden et al. describes a data processing system issuing electronic certificates through "on line" networks of personal computers, televisions, or other devices with video monitors or telephones. The electronic certificates can be used for various purposes, including use a coupon for a discounted price on a product or service. However, U.S. No. 5,761,648 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,761,648 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,761,648 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,765,142 to Allred et al. describes a customer service system interface development tool for use by an interface designer to create an interface for customer interaction. The interface may be used for the customer to make a product or service selection, if the customer so desires, from the product and services represented as a result of the customers interaction with the interface. However, U.S. No. 5,765,142 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,765,142 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer

based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,765,142 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,781,909 to Logan et al. discloses a network based hypertext display system employing a supervisory computer interconnected with one or more information display units and one or more remote servers via a network, such as the Internet. Means are employed for controlling the duration of a given user session in response to the material selected for display, the time of day, and user demographics. However, U.S. No. 5,781,909 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,781,909 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.5,781,909 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,822,735 to DeLapa et al. describes a focus coupons system in which a coupon is delivered to a consumer based on the consumers purchase history and coupon redemption history. As shown in decision block 130 of Figure 8A, the system determines whether a member has previously redeemed a particular coupon. Where the member has

previously redeemed the coupon and the redemption time lapse period has passed, the system once again assigns the coupon to that member as shown by steps 142 and 120 of Figure 8A. Where the member has not previously redeemed the coupon, the system determines a relationship between the coupon and the member, and determines whether to deliver the coupon to the member based on whether a criteria is satisfied as shown in Figure 8B. Thus, U.S. Patent No. 5,822,735 takes the redeeming history of a particular coupon into account when determining whether to re-deliver that particular coupon to a member. However, U.S. No.5,822,735 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,822,735 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 5,822,735 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,873,071 to Ferstenberg et al. describes a software process distributed on one or more computer systems that exchange messages in order to facilitate an intermediated exchange of financial commodities between the plurality of participants. However, U.S. No.5,873,071 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 5,873,071 fails to teach or suggest (A) determining the status of each of a plurality of

promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.5,873,071 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 5,974,399 to Giuliani et al. describes the technique for customizing purchase incentives, such as discount coupons and the like, based on whether a customer buys a promoted item or a competitive item, and on the price of the promoted item relative to the competitive item. However, U.S. No.5,974,399 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.5,974,399 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.5,974,399 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,055,573 to Gardenswartz et al. describes a method, system, and computer program product for delivering a targeted advertisement by use of a cookie. The targeted advertisement sent to consumers may be changed and/or refined based on changes in consumers purchase history behaviors. However, U.S. No.6,055,573 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a

related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,055,573 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,055,573 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,061,660 to Eggleston et al. describes a method and system for providing incentives programs over a computer network. In the system, a host may provide sponsoring companies with the capability to buy pre-package or self built incentive programs, offer such incentive programs to consumers, provide sponsoring companies and retails with the capability to associate the prices with incentive programs, provide sponsoring companies, retailers and consumers with convenient fulfillment of prices and store an manipulate databases regarding all of the foregoing. However, U.S. No.6,061,660 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,061,660 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,061,660 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B)

selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,070,147 to Harms et al. discloses a method and system for administering a loyalty marketing program by using a government-issued identification card, such as a drivers license, as the frequent buyer redemption card. However, U.S. No. 6,070,147 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,070,147 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No. 6,070,147 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,073,112 to Geerlings et al. describes a computer system that provides automated merchant-to-customer communication. Merchant defined triggers re-segment customer groupings based on predetermined criteria which includes any measurable behavioral patterns as provided by the merchant and stored in a data base. However, U.S. No.6,073,112 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,073,112 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an

effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,073,112 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,076,068 to DeLapa et al. describes a computer implemented method and apparatus for generating coupons to provide discounts for purchases. The method and apparatus includes providing a computer based Kiosk at a retail establishment such as a grocery store. The Kiosk outputs a series of targeted coupons which have been assigned to an individual household on the basis of at least one attribute of the household. However, U.S. No.6,076,068 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,076,068 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,076,068 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,078,893 to Ouimet et al. describes a method for tuning a demand model in a manner that is stable with respect to fluctuations in the sales history used for the tuning. However, U.S. No. 6,078,893 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the

status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 6,078,893 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,078,893 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,092,725 to Swartz et al. describes a statistical sampling security methodology for use in a self scanning check out system. The methodology determines how many items to check in a shoppers shopping cart for incorrect or missing scans as well as which particular or type of items to check to determine if the items are properly scanned, if the shopper is determined to be audited. However, U.S. No.6,092,725 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,092,725 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,092,725 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,112,988 to Powell describe a system for creating, dispensing, and redeeming electronic discount coupons in a store. In this system, the customer shops throughout the store collecting electronic coupons for products of interest, and upon completion of shopping, the customer redeems the electronic coupons at the checkout area by inserting a card into the check out station. However, U.S. No.6,112,988 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,112,988 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,112,988 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,119,099 to Walker et al. describes a POS terminal that determines an up sale offer in exchange for the change due to a customer in connection with a purchase. However, U.S. No.6,119,099 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No. 6,119,099 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent 6,119,099 fails to teach or suggest

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(A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.

U.S. Patent No. 6,119,104 to Brumbelow et al. describes a multi-desktop computer system for a bank or other financial institution. The computer system includes a plurality of functional desktop routines, each desktop operating on an identical "platform" of object oriented routines. However, U.S. No.6,119,104 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer, and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 1. In addition, U.S. Patent No.6,119,104 fails to teach or suggest (A) determining the status of each of a plurality of promotions delivered to a customer through a plurality of delivery mediums, and (B) determining an effective medium for the customer based on the status of each promotion determined as recited in Claim 26. Finally, U.S. Patent No.6,119,104 fails to teach or suggest (A) determining a status of an initial promotion delivered to a customer by monitoring customer transactions at a point of sale (POS), and (B) selecting a related promotion based on the status of the initial promotion determined as recited in Claim 43.
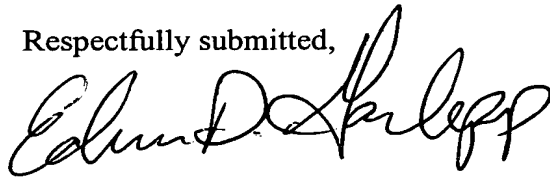
Therefore, independent Claims 1, 26 and 43 are believed to patentably distinguish over each of U.S. Patent Nos. 5,687,322; 5,781,909; 6,055,573; 6,119,104; 5,237,157; 5,822,735; 4,567,359; 4,750,119; 5,025,372; 5,173,851; 5,256,863; 5,576,951; 5,765,142; 5,761,648; 5,873,071; 5,974,399; 6,061,660; 6,070,147; 6,073,112; 6,076,068; 6,078,893; 6,092,725; 6,112,988; 6,119,099. Independent Claims 44 and 88, 69 and 104, 86 and 118 define a system with components that perform a method substantially similar to that defined by Claims 1, 26, and 43 respectively. Moreover Claim 87 recites a computer readable medium that includes a program which causes a computer to perform the method of Claims 1,

26, and 43. Accordingly, independent Claims 44, 88, 69, 104, 86, 118 and 87 are believed to patentably distinguish over the applied references for at least the same reasons as Claims 1, 26, and 43. Finally, Claims 2-25, 27-43, 45-68, 70-85, 88-103, and 105-117 depend from the distinguished independent claims and therefore are also believed to patentably define over the above noted references.

III. Conclusion

The petition to make special should be granted. Therefore, applicants respectfully request that this application be advanced out of turn for examination.

Respectfully submitted,

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